

1 THE HONORABLE JAMES L. ROBART
2
3
4
5
6
7
8
9

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINTON
AT SEATTLE

10 STEPHEN J. TUTTLE, an individual, and
11 DUSTIN COLLMAN, an individual; on behalf
of themselves and persons similarly situated;

12 v.
13 Plaintiffs,

14 AUDIOPHILE MUSIC DIRECT, INC. d/b/a
15 MUSIC DIRECT, MOBILE FIDELITY,
MOBILE FIDELITY SOUND LAB, and/or
MOFI;

16 Defendants.

No. 22-cv-01081-JLR

**CLASS COUNSEL'S REPORT ON
ESTIMATED SETTLEMENT
VALUE**

17 The Court's Minute Order of October 23, 2023, required Class Counsel to report on the
18 estimated monetary value of the proposed settlement whose approval is pending before the
19 Court. That estimated value, based on the facts, assumptions, and methodology described below
20 is **\$411,390.81**.

21 The most recent summary report submitted on October 15, 2023, by the Claims
22 Administrator, Kroll Settlement Administration, LLC. ("Kroll") indicates that it received claims
23 submitted by 965 Class Members who based their claims on 12,859 Applicable Recordings. The
24 breakout of the recordings by type of relief as of that date were:
25
26

1 5% cash option 2,295
 2 10% rebate option 7,563
 3 Refund/exchange 3,001

4 These numbers have increased in the past ten days as further claims have been processed.

5 As of October 25, 2023, all but 37 of the claims have been processed. Kroll reports the
 6 following for the claims processed to date:

Claim Type	No. of Recordings	MSRP Total	Compensation to be Paid
5% Cash	2,580.00	188,349.20	\$ 9,417.46
10% Coupon	7,896.00	582,966.04	\$ 58,296.60
Refund	3,092.00	282,864.00	\$ 282,864.00
	13,568.00		\$ 350,578.06

12 In addition, the Class Members selecting the Refund/Exchange Option will receive a
 13 return of sales tax actually paid¹ plus shipping.² So, the Class will receive in addition to the
 14 sum above, an estimated \$28,993.56 for taxes and \$16,758.64 for shipping, for a total of
 15 \$396,330.26 ***on the claims processed to date.***

16 The exact numbers for the 37 yet-to-be processed claims are unknown, but assuming
 17 that their composition is the same as that of the processed claims, a fair estimate of the value
 18 can be determined. As noted above, the October 15 Kroll report indicated that 965 Class
 19 Members had filed claims on 12,859 Applicable Recordings, for an average of 13.325
 20 recordings per claim. Projecting this number on the 37 unprocessed claims, we estimate that
 21 another 493 Applicable Recordings will be included among the unprocessed claims. The
 22 number of estimated but unprocessed recordings are 3.8% of the number of processed
 23

25 ¹ Our calculations use the defendants' local (Chicago) sales tax rate of 10.25%.

26 ² The USPS average Media Mail cost for a two-recording shipment is \$5.42, and we have used this as an estimate. Shipments above that volume would be higher.

1 recordings, so if we increase the known value of the processed claims in each category by that
 2 percentage and add the similarly derived estimated tax and shipping benefits for recordings in
 3 the refund/exchange option category, the result is the following:

<u>Processed Claims</u>			
Known Value		\$ 350,578.06	
Est. Tax/Return Option		28,993.56	
Est. Shipping/Return Option		16,758.64	
			\$ 396,330.26
<u>Unprocessed Claims</u>			
Est. Value		\$ 13,321.97	
Est. Tax		\$ 1,101.76	
Est. Shipping		\$ 636.83	
			\$ 15,060.55
Projected Settlement Value			\$ 411,390.81

11 Stated another way, the total estimated settlement value per category of claim is as
 12 follows:

Claim Type	Estimated Settlement Value
5% Cash	\$ 9,775.32
10% Coupon	\$ 60,511.87
Refund	\$ 341,103.62
	\$ 411,390.81

18 DATED: October 26, 2022
 19
 20

BADGLEY MULLINS TURNER PLLC
 21 */s/Duncan C. Turner*
 22 Duncan C. Turner, WSBA No. 20597
 23 19929 Ballinger Way NE, #200
 24 Seattle, WA 98155
 Telephone: (206) 621-6566
 Email: dturner@badgleymullins.com
Attorney for the Class

1
CERTIFICATE OF SERVICE

2 I hereby certify that on October 26, 2023, I electronically filed the foregoing with the
3 Clerk of the Court using the CM/ECF system which will send notification of such filing to all
4 counsel of record.

5
6 *s/ Yonten Dorjee* _____
7 Yonten Dorjee, Paralegal
BADGLEY MULLINS TURNER PLLC
8 Email: ydorjee@badgleymullins.com